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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191478
Party	Defendant Setac Corporation
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Submission	Other Motions/Papers
Filer's Name	Allen Cates
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Date	04/28/2010
Attachments	Opposition No. 91191478.pdf (1 page)(52088 bytes)



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April 27, 2010

The United States Patent and Trademark Office
Trial And Appeal Board

RE: In the matter of Trademark
Application Serial No. 77/633.410
Filing Date: December 15, 2008
Mark: SETAC
Published for Opposition: April 14, 2008 Opposition No. 91191478

Dear Madam/Sir,

This issue was supposedly settled in late February. Mr. Thomas E. Zutic with DLA Piper (US) 500 88th Street NW Washington DC 20004 Tel. 202-799-4140, attorney representing Nuplex Resins B.V. sent me a settlement offer. There were some requested changes and Setac agreed to a final settlement that was sent to me soon thereafter. I signed two copies and sent them back to DLA Piper. Mr. Zutic told me he would cancel the opposition as soon as he had both copies signed by the appropriate people with Nuplex. It was my understanding through conversations with Mr. Zutic the issue was settled.

I never received a signed copy back from them. I queried Mr. Zutic by email approximately 30 days later and was told the agreement was signed in Australia and was now being sent to Nuplex in Europe for their signatures, though there was no place on the agreement I signed for multiple signatures. Approximately 30 days later I again queried Mr. Zutic asking why Nuplex had not canceled the opposition and asked if there was a problem that I should be made aware of. I never received a reply. Last week I called their DC office and was told by his secretary he was in a meeting. I asked to speak to Mr. John Nading, who is often copied in their correspondence to me and was told he too was in a meeting. I asked if they would return the call and was assured they would do so. I never heard from either.

Throughout this issue DLA Piper has requested numerous extensions for an issue that could have been settled in a few days. It now has been almost 18 months since I filed for the Trademark and over one year since it was published for opposition. I would like to end this issue and receive the registration for the mark SETAC that I paid for and that is no longer opposed. Yet, in the eyes of the Trial and Review Board the issue is not settled.

I am respectfully asking for procedural advice on how I am to proceed from this point forward.

Yours truly,

/Allen Cates/